

Remarks/Arguments:

Claims 1-31 remain in this application. Claims 1, 10, 26, 27 and 29 have been amended. Claims 2-4, 6, 7, 19-21, 23 and 24 have been withdrawn. Review and reconsideration of this application on the merits are respectfully requested in view of the foregoing amendments and the following discussion.

Claim 29 has been amended to further limit claim 27 by specifying that the sheet further comprises a functional polyolefin. Support for claim 29 as amended can be found in the last paragraph of page 3 of the application as filed.

Claim 27 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the phrase "extruding/calendering" renders the claim indefinite because the claim includes elements not actually disclosed, thereby rendering the scope of the claim indefinite. Claim 27 has been amended to clarify that the phrase refers to extruding and calendering. Applicants respectfully submit that one of ordinary skill in the art would rarely understand what the term "extruding and calendering" means in the context of the present application. Extrusion coating and calendering are described in the last paragraph on page 8 of the application as methods capable of being used to prepare a single-ply roofing membrane in accordance with the present invention. Extruding and calendering are well-known methods in the art for producing a single-ply roofing membrane as evidenced by the disclosure in U.S. Patent No. 6,544,909, specifically as set forth in the examples therein. Accordingly, applicants respectfully submit that claim 27 is in compliance with 35 U.S.C. §112 and that one of ordinary skill in the art can readily ascertain the scope of the claim. Therefore, applicants respectfully request that the rejection be withdrawn.

According to the Office action, claim 28 recites the limitation "said coating" and there is insufficient antecedent basis for the limitation in the claim. However, claim 28 is dependent on claim 26 which clearly provides antecedent basis for the phrase "said coating" in the second line

of the body of the claim which refers to "depositing a coating." Accordingly, applicants respectfully request that the rejection be withdrawn.

Claims 1, 8, 10, 12, 13, 15 and 25 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,544,909. According to the Office action, these claims are substantially similar to claim 1 of the '909 patent. Claim 1 of the '909 patent is directed to a single-ply reinforced roofing membrane comprising a reinforcement scrim sandwiched between two layers made of ethylene-butene copolymers wherein at least one of the layers includes a certain amount of maleic anhydride-modified polypropylene as an additive therein. By contrast, the claims of the pending application are directed to mechanically embossed single-ply roofing membranes wherein the bottom layer is mechanically embossed forming an embossment of alternating ridges and valleys. The limitation relating to the bottom layer being mechanically embossed is neither disclosed nor suggested by the '909 patent. Accordingly, applicants respectfully submit that the claims of the present application are novel and non-obvious over the disclosure in the '909 patent and request that the rejection be withdrawn.

Claims 1, 5, 10 and 11 stand rejected as being anticipated by U.S. Patent No. 6,134,856 to Khan et al. The '856 patent discloses a roll roof membrane comprising embossed selvage edges on opposite sides and opposite surfaces of the membrane. The embossed ridges and valleys in the selvage edges are adapted to accept adhesives thereby improving bonding between the overlapped portions of the membranes. However, as discussed in the last paragraph on page 2 of the pending application, the embossed selvage edges account for only a minor portion of the surface area of the membrane and fail to adequately resolve the roll-blocking problem addressed by certain embodiments of the present invention. The independent claims in the present application have been amended to indicate that the embossment is over a majority of the surface area of the bottom layer. Accordingly, applicants respectfully submit that the claims as amended are novel and non-obvious over the '856 patent. There is no indication or suggestion in the '856 patent to emboss the majority of the surface area of the bottom layer to address roll blocking.

The sole purpose of the embossed portions of the membrane described in the '856 patent is to provide additional surface area for accepting adhesive to improve bonding between overlapped membranes. Therefore, applicants respectfully request that the rejection be withdrawn.

Claims 8, 9, 12, 14-18 and 25-31 stand rejected as being unpatentable over the '856 patent. Claim 13 stands rejected as being unpatentable over the '856 patent in view of U.S. Patent No. 4,695,501 to Robinson. As indicated above, Khan et al. fails to disclose or suggest a mechanically embossed single-ply roofing membrane wherein the bottom layer is mechanically embossed forming an embossment of alternating ridges and valleys over a majority of the surface area of the bottom layer. The '856 patent is only concerned with the issue of providing improved bonding between overlapped portions of the roll roof membranes. Based on the teachings in the '856 patent, it would not be obvious to emboss any more of the membrane than is necessary for the improved bonding along the overlapped regions of the membrane. Furthermore, the '501 patent to Robinson fails to remedy the shortcomings of the '856 patent. Accordingly, applicants respectfully submit that the claims of the present application are novel and non-obvious over the cited references and request that the rejections be withdrawn.

In view of the foregoing, it is respectfully submitted that all of the pending claims are in condition for allowance and favorable action on the merits is requested. In the event that the Examiner wishes to discuss any aspect of this response, please contact William J. Davis at (973) 628-3529 or the undersigned at the telephone number indicated below. We hereby authorize the Commissioner under 37 C.F.R. § 1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension. The Commissioner is authorized to charge any additional fees required or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted:

By: /John F. Kane/
John F. Kane

Application. No.: 10/798,595
Docket No.: FDN-2795
AMENDMENT

Reg. No. 44,815

THOMPSON HINE LLP
2000 Courthouse Plaza N.E.
10 West Second Street
Dayton, Ohio 45402-1758
Telephone: (937) 443-6816
Facsimile: (937) 443-6635

531148.1